

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEYBANK NATIONAL ASSOCIATION,

Plaintiff,

-against-

MONOLITH SOLAR ASSOCIATES LLC, et al.,

Defendants.

Case No. 1:19-CV-1562-
DNH-ATB

**ORDER AUTHORIZING RETENTION OF BROKER
TO MARKET RECEIVERSHIP PROPERTY**

UPON the Motion of Daniel Scouler, the Court appointed Receiver herein (the “Receiver”), dated November 19, 2021 (the “Motion”) seeking an Order permitting the Receiver to retain Harold J. Ordway, Jr. of Ordway Realtors (the “Broker”) as agent to market for sale certain property belonging to a Receivership Defendant herein; and it appearing that the same is authorized under Paragraph 17 of this Court’s Order of Appointment dated December 20, 2019 [Dkt. No. 7] as modified [Dkt. Nos. 30, 96], subject to Court approval, and that retention of the Broker to market the subject property for sale would benefit the Receivership Property; the Court finds as follows:

A. The Court has authority to permit the Receiver to retain the Broker to market the subject property for sale, pursuant to the Court’s broad powers in equity to supervise the Receivership;

B. Proper and sufficient notice of the Motion has been provided. No other or further notice is required, and a reasonable opportunity to object or be heard regarding the relief requested in the Motion and the transactions pursuant thereto has been afforded to all interested persons and entities entitled to notice of the Motion. Objections, if any, to the Motion have been withdrawn or

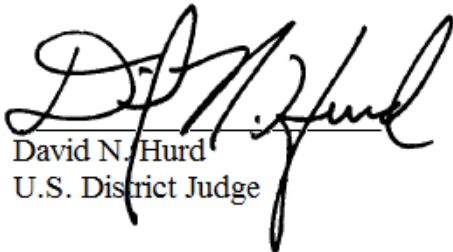
resolved and, to the extent not withdrawn or resolved, are hereby overruled.

C. Listing for sale, and ultimately selling, the subject property, is necessary in order for the Receiver to maximize the value of the subject property and will not prejudice any party with an interest therein. Each entity with a lien or encumbrance upon the subject assets will be paid from sale proceeds, has consented to the retention of the Broker or did not object to the Motion and is deemed to have consented to the retention of the Broker.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion is granted.
2. Any objections to the Motion or the relief requested therein that have not been withdrawn, waived, or settled are overruled in all respects and denied.
3. The Receiver is authorized to retain Harold J. Ordway, Jr. as an agent, for a commission of \$1,500.00, to market for sale a vacant 8-acre portion of a 13.6 acre parcel of land located at 1727 State Route 21, Shortsville, New York 14548.

Dated: December 14, 2021



David N. Hurd
U.S. District Judge